WPSS No. 232 of 2003

Hon'ble Tarun Agarwala, J.

Mr. Vikas Pandey, Advocate on behalf of Mr. V.B.S. Negi, Senior Advocate for the petitioners.

Mr. Subhash Upadhyaya, Standing Counsel for the State.

The learned Standing Counsel admits that the controversy involved in the present writ petition is squarely covered by a decision of this Court dated 25th June, 2012, which has been passed on the basis of an order passed by a Division Bench in Special Appeal No.66 of 2005.

Having heard the learned counsel for the parties, the Court finds that in Special Appeal No.66 of 2005 titled as "State of Uttaranchal & Ors. Vs. Pushkar Bhatt & Ors." 2006 (1) U.D. 587, a Division Bench of this Court has quashed the Government Order dated 26.08.1999 which imposes a ceiling of dearness allowance and, consequently, directed the State Government to pay wages on workcharge basis with full dearness allowance ignoring the ceiling limit. The said decision still holds good and is binding on this Court.

In the light of the aforesaid, the writ petition is allowed and a mandamus is issued to the respondents to pay dearness allowance in terms of the decision passed in Special Appeal No.66/2005 (supra).

(Tarun Agarwala, J.)

Dated 06.10.2012

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